

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

TABATHA I. DENNISON,

Plaintiff,

vs.

Case No. 11-CV-245-FHM

MICHAEL J. ASTRUE,
Commissioner, Social Security
Administration,

Defendant.

OPINION AND ORDER

Plaintiff's counsel has filed a Motion for Attorney Fees Pursuant to 42 U.S.C. § 406(b). [Dkt. 26].

Counsel seeks approval of an attorney fee award of \$ 8,033.00 pursuant to the terms of 42 U.S.C. § 406(b) and the contingency fee contract between Plaintiff and counsel. On July 13, 2013 the Court entered an order granting Counsel's Motion for Relief Pursuant to Fed. R. Civ. P. 60(b)(6) which permitted counsel to file the instant motion **"together with the required notice to Plaintiff and statement concerning any objection thereto"** within 60 days of the Notice of Award. [Dkt. 25]. Counsel has not complied with the terms of the order which reminded counsel of the obligation under LCvR 3.7¹ to include a Certification of Notice to Plaintiff and Notice to Plaintiff with the motion for fees. In addition to being reminded of these requirements in the July 13, 2013 Order, as an attorney who has the expertise in prosecuting Social Security appeals that counsel

¹ LCvR 3.7:

Social Security Cases: Motion for Attorney Fees
Plaintiff's Motion for Attorney Fees filed in social security cases pursuant to 42 U.S.C §406(b) shall include the following forms: Certification of Notice to Plaintiff and Notice to Plaintiff. Both forms shall be made available on the Court's website.

recites in the instant motion, [Dkt. 26, pp. 7-8], counsel is well aware of the LCvR 3.7 requirements.

The Certification of Notice to Plaintiff and Notice to Plaintiff required in LCvR 3.7 are due on or before December 16, 2013. Failure to adhere to this deadline may result in the denial of Counsel's Motion for Attorney Fees Pursuant to 42 U.S.C. § 406(b).

SO ORDERED this 27th day of November, 2013.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE